

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VIOLETTE SUSU and JERRIES SOUSOU,

Plaintiffs,

v.

BAYVIEW LOAN SERVICING, LLC, THE
BANK OF NEW YORK MELLON f/k/a THE
BANK OF NEW YORK, AS TRUSTEE FOR
THE CERTIFCAHOLDERS OF CWALT,
INC. ALTERNATIVE LOAN TRUST
2005-82,

Defendants.

No. C 18-00135 WHA

Related to:

No. C 17-05879 WHA

ORDER TO SHOW CAUSE

Pro se plaintiffs Violette Susu and Jerries Sousou filed their complaint for wrongful foreclosure on January 8, 2018. Following the lifting of two previous stays pending resolution of parallel proceedings in bankruptcy court, defendants Bayview Loan Servicing, LLC and The Bank of New York Mellon f/k/a The Bank of New York moved to dismiss this action in its entirety on May 23, and the hearing on the motion was set for July 5 (Dkt. Nos. 16, 18–19, 22–25).


On June 1, however, defendants gave notice that plaintiff Jerries Sousou had once again filed for bankruptcy. The July 5 hearing on defendants' motion to dismiss was accordingly vacated. Defendants subsequently gave notice that plaintiff Sousou's bankruptcy action had been dismissed and the stay was lifted on August 1 (Dkt. Nos. 26–27, 29–32, 34).

1 Defendants refiled their motion to dismiss plaintiffs' complaint on July 31. That motion
2 was served on plaintiffs, and plaintiffs were given until August 14 to file a response. To date,
3 plaintiffs have not filed a response to defendants' motion to dismiss (Dkt. No. 33).

4 Plaintiffs shall file a response to the motion by **AUGUST 27, 2018**. If they fail to do so,
5 their complaint will be dismissed. Plaintiffs shall appear in Courtroom 12 on the 19th floor of
6 the federal courthouse at 450 Golden Gate Avenue, San Francisco on **SEPTEMBER 27 AT**
7 **11:00 A.M.** and **SHOW CAUSE** why their complaint should not be dismissed. Defendants' reply
8 to plaintiffs' response, if any, is due by **SEPTEMBER 3**.

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10 **IT IS SO ORDERED.**

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12 Dated: August 17, 2018.

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15 WILLIAM ALSUP
16 UNITED STATES DISTRICT JUDGE
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